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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON - Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION  
OF DEL RIO WATER COMPANY, LLC,  
FOR A CERTIFICATE OF CONVENIENCE  
AND NECESSITY TO PROVIDE WATER  
SERVICE IN YAVAPAI COUNTY,  
ARIZONA.

DOCKET NO. W-04074A-08-0094

PROCEDURAL ORDER

**BY THE COMMISSION:**

On February 15, 2008, Del Rio Water Company, LLC ("Del Rio" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide water service to approximately 3,000 acres in the Town of Chino Valley in Yavapai County, Arizona.

On February 25, 2008, Del Rio docketed Proof of Notice of the Application.

On March 5, 2008, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter indicating that the application had not met the sufficiency requirements of the Arizona Administrative Code ("A.A.C.").

On March 21, 2008, Del Rio docketed additional information in support of its application.

On April 15, 2008, Del Rio filed supplemental information on its application.

On April 21, 2008, Staff filed a Sufficiency Letter in this docket.

On April 29, 2008, by Procedural Order, a hearing was scheduled to begin on June 9, 2008, and other procedural deadlines were established.

On May 1, 2008, Staff filed a Request for Extension of Time to file its Staff Report. Staff's request explained that the assigned Staff in this matter is unavailable and that currently no indication can be provided as to a time when the Staff member will return to work. Staff requested an extension

1 of time until June 30, 2008, to file its Staff Report and that the June 9, 2008 hearing, be reset to a  
2 time that would be consistent with the filing of the Staff Report.

3 No objections to Staff's request have been filed by the Applicant and Staff's request for an  
4 extension of time to file its Staff Report is reasonable and should be granted.

5 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter scheduled for  
6 June 9, 2008, is **hereby rescheduled to begin on July 28, 2008 at 10:00 a.m.**, or as soon thereafter  
7 as is practical, at the Commission's offices, 1200 West Washington Street, Room 100, Phoenix,  
8 Arizona 85007.

9 IT IS FURTHER ORDERED that the Applicant shall disregard the hearing date and  
10 publication and mailing directives set forth in the April 29, 2008, Procedural Order.

11 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
12 105, except that all Motions to Intervene must be filed on or before **July 7, 2008**.

13 IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no  
14 later than **July 17, 2008**.

15 IT IS FURTHER ORDERED that Del Rio shall provide public notice of the hearing in this  
16 matter, in the following form and style, with the heading no less than 10 point bold type and the body  
17 no less than 10 point regular type:

18 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF DEL RIO**  
19 **WATER COMPANY, LLC, FOR A CERTIFICATE OF CONVENIENCE AND**  
20 **NECESSITY TO PROVIDE WATER SERVICE IN YAVAPAI COUNTY, ARIZONA.**  
**(Docket No. W-04074A-08-0094)**

21 On February 15, 2008, Del Rio Water Company, LLC ("Del Rio" or "Applicant")  
22 filed with the Arizona Corporation Commission ("Commission") an application for a  
23 Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide  
24 domestic water service. The Commission's Utilities Division ("Staff") has not yet  
25 made a recommendation regarding Del Rio's application, and the Commission is not  
26 bound by the proposals made by Del Rio, Staff, or any intervenors. The Commission  
27 will issue a decision regarding Del Rio's application following consideration of  
28 testimony and evidence presented at an evidentiary hearing. Copies of the application  
are available at Del Rio's offices [insert address] and the Commission's offices at  
1200 West Washington Street, Phoenix, Arizona, for public inspection during regular  
business hours and on the internet via the Commission website (www.azcc.gov) using  
the e-docket function.

The Commission will hold a hearing on this matter beginning **July 28, 2008, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email (visit <http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a letter referencing Docket Number W-0407a-08-0094 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you would like to intervene, you must file a written motion to intervene with the Commission, and you must send copies of the motion to the Company or its counsel, and to all parties of record in the case. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom documents are to be served in your place, if desired;
2. A short statement of your interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of your motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before July 7, 2008. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any person or entity from appearing at the hearing and making a statement on their own behalf.

If you have any questions about this application, you may contact Del Rio at [insert telephone number]. If you wish to file written comments on the application or want further information on intervention you may contact the Consumer Services Section of the Commission at 1200 W. Washington St., Phoenix, AZ 85007, or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Linda Hogan, E-mail [Lhogan@azcc.gov](mailto:Lhogan@azcc.gov), voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Del Rio shall mail to each property owner or property owner representative in the requested area a copy of the above notice and shall cause the above notice to be published in a newspaper of general circulation in its service territory, with publication and mailing to be completed no later than June 1, 2008.

IT IS FURTHER ORDERED that Del Rio shall file certification of mailing and publication as soon as practicable after the mailing/publication has been completed, but not later than June 30,

1 2008.

2 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and  
3 publication of same, notwithstanding the failure of an individual property owner to read or receive  
4 the notice.

5 IT IS FURTHER ORDERED that Staff shall file a **Staff Report** on or before **June 30, 2008**.

6 IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be filed on or  
7 before **July 17, 2008**.

8 IT IS FURTHER ORDERED that the time clock in this matter is extended accordingly.

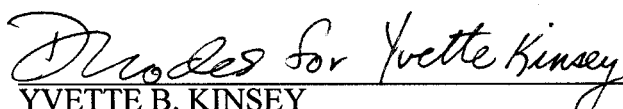
9 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
10 Communications) continues to apply to this proceeding as the matter is set for public hearing.

11 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
12 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*  
13 *hac vice*.

14 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
15 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
16 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to  
17 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter  
18 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by  
19 the Administrative Law Judge or the Commission.

20 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
21 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
22 hearing.

23 Dated this 12<sup>th</sup> day of May 2008.

24  
25  
26   
27 YVETTE B. KINSEY  
28 ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered  
2 this 12th day of May 2008 to:

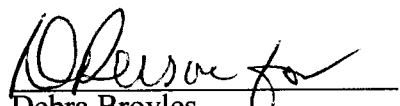
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7 Attorneys for Del Rio Water Company, LLC

8 Janice Alward, Chief Counsel  
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11 1200 West Washington Street  
12 Phoenix, AZ 85007

13 Ernest G. Johnson, Director  
14 Utilities Division  
15 ARIZONA CORPORATION COMMISSION  
16 1200 West Washington Street  
17 Phoenix, AZ 85007

18 ARIZONA REPORTING SERVICE, INC.  
19 2200 North Central Avenue, Suite 502  
20 Phoenix, AZ 85004

21 By:

22   
23 Debra Broyles  
24 Secretary to Yvette B. Kinsey  
25  
26  
27  
28